

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2021

CORAM

THE HON'BLE Mr.JUSTICE V.SIVAGNANAM

CRL.O.P.No. 9485 of 2021

Pappu @ Ellavarasi

... Petitioner/Single Accused

Vs.

The State represented by,
The Inspector of police,
Thimmampettai Police Station,
Thirupathur District.
(Crime No.49 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail, in the event of her arrest by the respondent police concerned in Crime No.49 of 2021, on the file of the respondent police.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.J.C.Duraiaraj
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(aa) and 4(1-A)(ii) of Tamil Nadu Prohibition Act in Crime No.49 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner would submit that a false complaint has been given against the petitioner and she has not connected with the crime as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

3.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that while the respondent police was conducting checking in Thiguanpaliam opposite house, one lady was standing in that place with one lorry and on seeking police she ran away from that place and thereafter, on search, the respondent police

have seized 70 litre country arrack. He would further submit that there is no previous case pending against the petitioner. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

4.This Court considered the submissions made by the learned counsel for the parties concerned and also perused the materials placed on record.

5.The Supreme Court has laid down the law regarding grant of anticipatory bail in the case of Gurbaksh Singh Vs. State (AIR 1980 SC 1632) and considering the fact that the custodial interrogation of the petitioner is not necessary and the fact that there is no apprehension that the petitioner may abscond, the petitioner is granted anticipatory bail in the event of her arrest or on her appearance, before the learned Judicial Magistrate Court No.II, Tirupattur, on condition that the petitioner shall execute his own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the respondent police or to the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition that:

[a] the petitioner shall make herself available for interrogation by the police officer as and when required;

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall appear before the Court below, whenever required.

[e] the petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure her identity.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court herself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, TIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIMMAMPETTAI POLICE STATION,
THIRUPATRUR.

+1 CC to M/S.R.PARTHIBAN Advocate on payment of necessary charges
SR.No.6281

CRL OP.9485/2021

Date :20/05/2021

cs 16/06/2021

WEB COPY